

IN THE DRAWINGS

Applicants propose to label the blocks in Figs. 2 and 7, and to add the caption "PRIOR ART" to Figs. 3, 4A, 4B, 5A, 5B and 6 of the drawings in accordance with the accompanying ANNOTATED SHEETS SHOWING CHANGES.

Enclosed herewith are REPLACEMENT SHEETS in which the above changes have been incorporated.

#### REMARKS

The specification has been amended to include an Abstract. In addition, the specification has been amended on pages 5 and 6, to insert reference numbers appearing in Fig. 2 of the drawings as filed, and on pages 10 and 11 to insert reference numbers appearing in Fig. 7 of the drawings as filed.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-3 and 6-8 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6, 370,102 to Mons et al. The Examiner has further rejected claims 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Mons et al.

The Mons et al. patent discloses a multilayer record carrier and device for scanning the carrier, in which each layer is provided with a control block in which information is stored which can be used for reading the user information stored in the particular layer.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v.*

*Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that Mons et al. teaches the claim limitation "each recording layer comprising a pre-formed recording control pattern that is readable via said beam for indicating the track, and at least one recording control pattern comprising a recording stack type indicator for indicating the writing parameters of the second recording stack (Fig.3, type indicator 26. Figure 4 shows the detail of type indicator 26. See also column 5, lines 20-54)."

Applicants submit that the Examiner is mistaken. In particular, Mons et al. states at col. 5, lines 23-32:

"The information may comprise a type indication of the record carrier, an indication of the number of information layers and the number of blocks of user information in the record carrier, parameters for the radiation beam for writing and reading, information about encryption of the stored information, a table of contents with a global indication of the user information stored in each layer, data relating to a group of record carriers of which this record carrier forms part, and indications of the publisher and manufacturer."

There is no disclosure in Mons et al. that the layers may differ and as such may each required different parameters for writing/reading. In the control block of Mons et al., there is no distinguishing of the parameters of radiation beam for writing and reading for each layer. Further, there is no disclosure or suggestion that the writing parameters for the second stack should be in the control block in each recording layer.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-8, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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